

Remarks

The forgoing amendment has been made after a careful review of the present application, the references of record, and the Office Action dated November 24, 2003. In the Office Action, the examiner confirmed the withdrawal from consideration of claims 8 through 10 following the applicant's election to prosecute claims 1 through 7. The examiner raised a minor objection to the abstract, asked for clarification of the parent application, and requested that the title of the application be amended. Minor objections to the claims were raised under 35 USC 112. Claims 1 and 2 were rejected under 35 USC 102 as anticipated by Rohroff, claims 3 and 4 were rejected under 35 USC 102 (b) as being anticipated by Strab, and claims 5 through 7 were rejected under 35 USC (a) as being unpatentable over Strab in view of Schoelkopf.

In the forgoing amendment the applicant has submitted a new title to the application, and amended the specification to show the status of the parent application as the examiner requested. A new abstract has also been submitted. Claims 1 through 5 and 7 have been cancelled and claim 6 has been amended to overcome the rejections under 35 USC 112 and under 35 USC 103 (a).

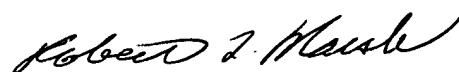
The applicant hereby traverses the rejection of amended claim 6 as unpatentable over Strab and Schoelkopf under 35 SUC 103 (a). Strab discloses a door closeable in a frame in a wall having a door operator, an unlatching device, and an assist, all powered by pressurized fluid. The unlatching device 50 of Strab is a strike release built into the wall. On the other hand, amended claim 6 recites that the latching device does not require attachment to the wall. The power source for both Strab and Schoelkopf is a pressurized liquid and not an electric motor, as also required by amended claim 6.

Accordingly, the rejection of amended claim 6 as unpatentable over Strab in view of Schoelkopf can no longer be sustained and must be withdrawn.

The applicant also asserts that amended claim 6 cannot be rejected under 35 USC (a) as unpatentable over any combination of the references of record. For example, Rohroff discloses an electric door operator having a separate control operating both an unlatching device and a door operating device, but not an assist. From a careful reading of Rohroff, it appears that the unlatching device employs a solenoid or the like and that the power needed for the devices of Rohroff are substantial enough to require attachment into the power system of a house as indicated by the junction box 82. Amended claim 6, on the other hand, requires a power source integral with one of the unlatching device, the door operator, and the moveable means. The elements of the present invention are attachable to a door and the surrounding wall without requiring modification to the door, the wall, or the electrical system of the structure.

In view of the forgoing, the applicant submits that the application is now in condition for allowance, and favorable reconsideration and allowance is requested.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Robert L. Marsh".

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Abstract

To synchronize the operations of a door fitted with a door unlatching device to rotate a latch handle, a door operator to move the door from the closed position to the open position, and an assist to apply additional force to move the door out of the door frame to the ajar position, a microprocessor receives input from all three devices and unifies the timing of the movements of the components to unlatch and open the door.